

The Director of Central Intelligence

Washington, D. C. 20505

23 SEP 1981

MEMORANDUM FOR NATIONAL FOREIGN INTELLIGENCE COUNCIL

SUBJECT: Annex B, DCID 1/14: Appeals Procedures

I have reviewed the results of your deliberations on the above named subject and have decided to approve the enclosed common appeals procedures for the Intelligence Community.

/s/
William J. Casey

Attachment

ATTACHMENT

ANNEX B

DCID 1/14 Appeals

Policy

1. This annex establishes common appeals procedures for the denial or revocation of access to Sensitive Compartmented Information (SCI) by entities of the Intelligence Community after adjudication pursuant to the provisions of DCID 1/14. This annex is promulgated pursuant to Executive Order 12036, Executive Order 12065, Section 102 of the National Security Act of 1947, and National Security Council Intelligence Directive No. 1. For the purpose of this annex, all references to DCID 1/14 include the basic document and all of its annexes. Any person who has been considered for initial or continued access to SCI pursuant to the provisions of DCID 1/14 shall, to the extent provided below, be afforded an opportunity to appeal the denial or revocation of such access. This annex supersedes any and all other practices and procedures for the appeal of the denial or revocation of SCI access. This annex shall not be construed to require the disclosure of classified information or information concerning intelligence sources and methods, nor shall it be construed to afford an opportunity to appeal prior to the actual denial or revocation of SCI access. In addition, the provisions of DCID 1/14, this annex, or any other document or provision of law shall not be construed to create a property interest of any kind in the access of any person to SCI. Further, since the denial or revocation of access to SCI cannot by the terms of DCID 1/14 render a person ineligible for access to other classified information solely for that reason, the denial or revocation of SCI access pursuant to the provisions of DCID 1/14 and this annex shall not be construed to create a liberty interest of any kind.

Applicability

2. This annex applies to all United States Government civilian and military personnel, as well as any other individuals, including contractors and employees of contractors, who

are considered for initial or continued access to SCI. This annex does not apply to decisions regarding employment and shall not be construed to affect or impair Public Law 88-290 or the authority of any entity to effect applicant or personnel actions pursuant to Public Law 88-290, Public Law 86-36, or other applicable law.

SCI Access Determination Authority

3. Adjudications for access to SCI shall be made in accordance with DCID 1/14 by a Determination Authority designated by the Senior Intelligence Officer (SIO) of each entity. Access to SCI shall be denied or revoked whenever it is determined that a person does not meet the security standards provided for in DCID 1/14.

Procedures

4a. Persons shall be:

(1) notified of the denial or revocation of SCI access,

(2) notified that they may request to be provided the reasons for such denial or revocation, and/or

(3) afforded an opportunity to appeal,

whenever the Determination Authority of any entity, in the exercise of his discretion, deems such action in any given case to be clearly consistent with the interests of the national security.

b. Any person who is given notification and afforded an opportunity to appeal pursuant to subparagraph a. above may, within 45 days of the date on which such person is notified of the reasons for denial or revocation of SCI access, submit a written appeal of that denial or revocation to the Determination Authority. The written material submitted for consideration may include any information which the person believes will assist the Determination Authority in reviewing the case.

c. After a further review of the case in the light of the written appeal, the person will be notified of the decision of the Determination Authority.

d. If the Determination Authority reaffirms a denial or revocation of access, the person may request a final review of the case. In that event, the SIO, or his designee, shall personally review the case and exercise his discretion pursuant to the provisions of DCID 1/14, and shall inform the person of his decision, which shall be final and unreviewable.